IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 766 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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VR PANSALA & 3 - Petitioner(s)
Versus
REGISTRAR, HIGH COURT OF GUJ. & 1 - Respondent(s)

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Appearance :
MR ANAND L SHARMA for Petitioner(s) : .
MR JB PARDIWALA for Respondent(s) : 1,
MR BIREN A VAISHNAV for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH
Date : 23/11/2006

ORAL JUDGMENT

It is not in dispute that the petitioners claim parity in pay-scale in line with respondent No.2 as it is contended on behalf of the petitioners that though the respondent No.2 is

junior to the petitioners, his pay-scale is more than the petitioners. In the affidavit-in-reply filed on behalf of the High Court, it is pointed out that in fact a show cause notice dated 10th March 1997 had already been issued upon the respondent No.2 to show cause as to why his pay and/or earlier order of appointment should not be revised and/or modified.

2. Under the circumstances, when the question of fixation of pay-scale of respondent No.2 itself is under reconsideration by the High Court in its Administrative Side, there is no question of considering the case of the petitioners now. However, Shri JB Pardiwala, learned advocate appearing on behalf of the High Court, after obtaining appropriate instruction from the Administrative Side, has submitted that the proceeding initiated pursuant to issuance of show cause notice was not earlier finalised in view of the pendency of the present Special Civil

Application and that the same shall be decided in accordance with law and on merits as early as possible and preferably within the period of three months from today. He has further submitted that in light of the same, the case of the petitioners will also be considered accordingly and that the concerned parties will be informed about the outcome. In view of the above, Shri Anand Sharma, learned advocate appearing for the petitioners does not press the present Special Civil Application at this stage. The petition shall stand disposed of with the above observations. Rule is discharged with no order as to costs.

[M.R. Shah, J.]

RMR.